

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-730

Appellant(s): Roseline J. Bazelaïs, Esq.
representing Grace Church of God

vs.

Appellee(s): City of Malden
Scott M. Fitzpatrick

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 6th Edition 780 CMR 108.3.5, 110.4, 110.7, and 111.6 for 257 Pearl Street, Malden, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on April 4, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared and testified for the hearing on behalf of the Grace Church of God. Scott M. Fitzpatrick appeared as well as others as shown on the sign in sheet that is on file at the Department of Public Safety.

Discussion

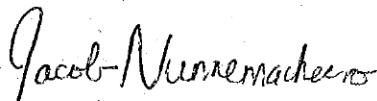
A motion was made to deny the Appellant's request for a variance from the 6th Edition of 780 CMR 108.3.5, 110.4, 110.7, and 111.6, based on the material that was submitted as part of the application, and order the appellant to obtain the necessary permits and licensed construction personnel for the work at the property address. A second on the motion was made and a Board vote was taken which was approved by a 2 to 1 vote with Jacob Nunnemacher voting against.

Conclusion

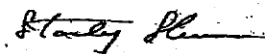
The Appellant's request for a variance was denied as described in the discussion above and so ordered² on this date: April 4, 2009.



Douglas Semple



Jacob Nunnemacher



Stanley Shuman

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.